

Remarks/Arguments:

Pending in the application are claims 1, 3, 5, 7-25, 29, 30, 32-47, and 54-73. Applicant has amended claims 54 and 71-73 to present those claims in proper form for allowance or in better form for appeal. As to claim 54, a typographical error has been corrected. As to claim 71, a grammatical error has been corrected and "located within" language has replaced "associated with" language to properly correlate with the previous recitation in the fifth line of claim 71 that the patron stations are located within establishments. As to claim 72, a similar change has been made to correlate with the recitations in claim 71 that establishments are associated with establishment servers (claim 71, fourth line) and advertisement selection programs (claim 71, second line of second paragraph). As to claim 73, two typographical errors have been corrected. Due to the minor nature of these amendments and because they place the application in better form for allowance or appeal, Applicant respectfully requests entry and consideration of amended claims 54 and 71-73.

In the outstanding Office Action, claims 46, 47, and 54-56 were rejected for obviousness on the basis of the Mueller patent (U.S. Patent No. 5,128,862) alone. Claims 1, 3, 5, 7-25, 29, 30, 32-45, 57-62, and 65-73 were rejected for obviousness on the basis of Mueller in combination with Kurland (U.S. Patent No. 4,553,222). For the reasons expressed below, Applicant respectfully submits that the amended claims are nonobvious with respect to the cited references.

Applicant reiterates all of the arguments asserted in Applicant's Amendment and Response A. To help focus the issues raised by those arguments relative to the present Office Action, Applicant will first set forth the shortcomings of the cited references Mueller and Kurland.

In the present Office Action, the Mueller patent is cited for disclosing both the central server and the establishment server of the claimed invention. However, the Office Action cites to the *same component* of Mueller for *both* the central server *and* the establishment server – microprocessor 13 of Figure 1. (See e.g., Office Action, page 2). That is, in one sentence used to formulate the rejection of claim 1 (and the other independent claims), the Office Action asserts that microprocessor 13 of the Mueller patent is an "establishment server" as claimed by Applicant. In subsequent sentences describing the rejection, the Office Action switches grounds and contends that microprocessor 13 is a "central server" as claimed by Applicant.

Applicant strongly disagrees with this rejection and respectfully submits that the Office Action cannot have it both ways.

Even assuming *arguendo* that the microprocessor 13 could be classified as an establishment server as recited by Applicant (a classification with which Applicant would disagree), it is indisputable that the microprocessor 13 (as well as the other processor units 24, 28, and 56) cannot be classified as a central server as recited by Applicant. Upon a review of the Mueller patent, it is apparent that microprocessor 13 serves as a processing and memory center for stations 10, 12, and 14. (See Mueller, col. 4, lines 36-38; col. 5, lines 55-62) There is no disclosure or teaching in Mueller to use the processor 13 as a central server as claimed by Applicant.

All operations performed by the components of the Mueller system are internal to a fast food restaurant. Mueller simply provides no teaching to interface a restaurant's internal processing capabilities with a "central server" as claimed by Applicant. Having failed to teach or suggest the use of a central server, the Mueller patent by implication fails to teach or suggest the use of a central server to distribute advertisement selection programs to establishment servers over a network to control and coordinate the selection of advertisements for display on the patron stations. In fact, the Mueller patent only tangentially addresses advertising through a short discussion at column 9, lines 34-37. Applicant respectfully submits that Mueller's teaching that "the customer ordering sequence could include short video displays, or non-activated customer terminals 11 could display advertisements" (see Mueller, column 9, lines 34-37) cannot be reasonably interpreted to teach Applicant's sophisticated technique of controlling advertisement display through centralized distribution of advertisement selection programs using a central server.

The Kurland patent fails to fill in the gaps left by the Mueller patent with respect to the use of a central server located outside the establishment to distribute advertisement selection programs. Like Mueller, the Kurland patent fails to teach or suggest the integration of an establishment-wide system with a central server. Like, the microprocessor 13 of Mueller, the central computer (data base) 22 of Kurland cannot be reasonably classified as a central server as Applicant has used that term. Further, a review of the Kurland patent reveals no teachings with respect to the delivery of advertising. Therefore, it is respectfully submitted that Kurland, when considered alone, or in combination with Mueller, cannot be reasonably interpreted to

disclose, teach, or suggest the use of a central server to distribute advertisement selection programs to establishment servers as claimed by Applicant.

Because of these shortcomings in Mueller and Kurland, Applicant respectfully submits that the rejections of all independent claims in this application must be withdrawn.

Furthermore, claim 65 and all claims depending therefrom recite that the advertisements displayed by the patron station include both advertisements initiated locally at the establishment and advertisements that are not initiated locally from the establishment. This feature of the invention allows establishment owners to increase the potential advertising revenue by including advertising strategies that encompass advertisers who may not have a sufficiently broad reach to penetrate the advertising initiated from the central server. (See Application, page 34, lines 7-33). Both Mueller and Kurland are silent as to such a feature. Furthermore, the present Office Action is silent as to how the Mueller and Kurland references render such a feature obvious. (See Office Action, pages 8-10). Accordingly, Applicant respectfully submits that the obviousness rejection of claims 65-70 also lack merit because there is no teaching/suggestion in the Mueller and Kurland references as to this feature and further because the Office Action is deficient in even recognizing the existence of these claim limitations.

Conclusion.

For the foregoing reasons, Applicant respectfully submits that the pending claims are allowable. Favorable action is respectfully requested

Respectfully submitted,



Robert L. Villhard, Jr.
Reg. No. 53,725
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6000
(314) 552-7000 (fax)